
WELSH STATUTORY INSTRUMENTS

2015 No. 1028

The Welsh Language Tribunal Rules 2015

PART H

MISCELLANEOUS

Orders for costs and expenses

55.—(1) The Tribunal must not normally make an order in respect of costs and expenses, but may, subject to paragraph (3), make such an order—

- (a) against a party if the Tribunal is of the opinion that a party has been responsible for improper, unreasonable or negligent action or omission, or for any failure to comply with a direction or any delay which with diligence could have been avoided or that the party's conduct in making or resisting the appeal or claim was unreasonable,
- (b) against a representative if the Tribunal is of the opinion that the representative has been responsible for improper, unreasonable or negligent action or omission, or for any failure to comply with a direction or any delay which with diligence could have been avoided,
- (c) against a party who has failed to attend or be represented at a hearing of which that party has been duly notified,
- (d) against the Commissioner, where the Commissioner has not submitted a case statement under rule 20,
- (e) against the Commissioner, if the Tribunal considers that the disputed decision was unreasonable.

(2) Any order in respect of costs and expenses may be made—

- (a) as respects the whole, or any part, of any costs and expenses incurred, or any allowances paid, or
- (b) as respects the whole, or any part, of any allowance (other than allowances paid to members of the Tribunal) payable to any person for the purposes of, or in connection with, that person's attendance at a Tribunal hearing.

(3) An order for costs may be made on the application of a party or on the Tribunal's own initiative.

(4) A party making an application for an order under paragraph (3) must—

- (a) submit a written application and a schedule of costs claimed to the Secretary of the Tribunal, and
- (b) serve a copy of the application and schedule of costs on the person against whom it is proposed that the order is made.

(5) An application for an order under paragraph (3) may be made at any time during the case but may not be made later than 28 days from the date on which—

- (a) the decision notice recording the decision on all issues in the application was issued,
- (b) upon withdrawal of the application, the order dismissing the application was made,

- (c) following the Commissioner’s concession to the application, the decision notice was issued.
- (6) An application for an order under paragraph (3)—
 - (a) must be refused by the Tribunal if a party is asking the Tribunal to consider a matter which is outside its powers,
 - (b) may be refused in whole or part by the Tribunal if, in the opinion of the Tribunal, the whole or part of it has no reasonable chance of success.
- (7) Unless an application for an order is refused under paragraph (6), it must be determined after the party and the person against whom it is proposed that the order is made have had an opportunity to be heard by the Tribunal.
- (8) If an order is made under paragraph (3), the Tribunal may give directions to be complied with before or at the costs hearing.
- (9) If a party fails to comply with a direction given under paragraph (8) the Tribunal may take account of that fact when deciding whether or not to make an order for costs.
- (10) An order under paragraph (3) may require the party or representative against whom it is made to pay a party either a specified sum in respect of the costs and expenses incurred by that other party in connection with the application, or the whole or part of such costs as assessed if not otherwise agreed.
- (11) An order under this rule for costs to be assessed has the effect that it is for the county court to make a detailed assessment of those costs in accordance with the Civil Procedure Rules 1998 either on the standard basis or, if specified in the order, on the indemnity basis.